

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 07-448(1) (DWF/AJB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Joel Leslie Wells,

Defendant.

Michelle E. Jones and William J. Otteson, Assistant United States Attorneys, United States Attorney's Office, counsel for Plaintiff.

Daniel L. Gerds, Esq., Brink & Gerds, P.A., counsel for Defendant.

This matter is before the Court upon Defendant Joel Leslie Wells's ("Defendant") objections to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated May 13, 2008, recommending that Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure be denied.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b), and more particularly the Court has examined the search warrants and supporting affidavits admitted as exhibits in the hearing before Magistrate Judge Boylan. The factual background for the above-entitled matter is clearly and precisely set forth in

the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court has determined that the searches and seizures to which the Defendant objects were lawful, and specifically that the searches of the Defendant's computer hard drives were contemplated by the warrants and supporting affidavits. Therefore, the Court hereby enters the following:

ORDER

1. Defendant Joel Leslie Wells's Objections to the Report and Recommendation of the Magistrate Judge (Doc. No. 72), are **DENIED**.
2. Magistrate Judge Arthur J. Boylan's Report and Recommendation dated May 13, 2008 (Doc. No. 66), is **ADOPTED**.
3. Defendant Joel Leslie Wells's Motion to Suppress Evidence Obtained as a Result of Search and Seizure (Doc. No. 15) is **DENIED**.

Dated: September 30, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court